

April 24, 2008.

The committee on Education, to whom was referred the joint petition (accompanied by bill, House, No. 3776) of Patricia A. Haddad and others relative to early education and care, reports recommending that the accompanying bill (House, No. 4706) ought to pass.

For the committee,

PATRICIA A. HADDAD



## The Commonwealth of Massachusetts

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In the Year Two Thousand and Eight.  
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### AN ACT RELATIVE TO EARLY EDUCATION AND CARE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure the orderly establishment of an early education and care system, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 172F and inserting in place thereof the following section:-

Section 172F. Notwithstanding section 172, the following information shall be available, upon request, to the department of early education and care for the purposes of evaluating any residence, facility, program, system or other entity licensed under chapter 15D whether public or private, or any non-relative, in-home child care provider that receives federal or state funding in order to further the protection of children: conviction data, arrest data, sealed record data and juvenile arrest or conviction data. The department of early education and care shall not disseminate this information for any purpose other than to further the protection of children.

SECTION 2. Section 178J of said chapter 6, as so appearing, is hereby amended by striking out, in line 32, the word “day” and inserting in place thereof the following word:- child.

SECTION 3. Section 181 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “the office for children” and inserting in place thereof the following words:- early education and care.

SECTION 4. Section 202 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “director of the office for children” and inserting in place thereof the following words:- commissioner of early education and care.

SECTION 5. Section 203 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 46 and 47, the words “, with the exception of local councils of the office for children.”

SECTION 6. Section 208 of said chapter 6, as so appearing, is hereby amended by striking out, in line 14, the words “office of child care services” and inserting in place thereof the following words:- department of early education and care.

SECTION 7. Section 16 of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the following words “, the office of child care services”.

SECTION 8. Section 40E of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in line 25, the words “section three of chapter twenty-eight A ” and inserting in place thereof the following words:- section 2 of chapter 15D.

SECTION 9. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “early childhood education;”.

SECTION 10. Said section 1G of said chapter 15, as so appearing, is hereby further amended by striking out the seventh paragraph.

SECTION 11. Said section 1G of said chapter 15, as so appearing, is hereby further amended by striking out, in line 54, the words “the office for children” and inserting in place thereof the following words:- the department of early education and care.

SECTION 12. Section 54 of said chapter 15, as so appearing, is hereby amended by inserting after the word “board”, in line 1, the following words:- of early education and care.

SECTION 13. Said section 54 of said chapter 15, as so appearing, is hereby further amended by inserting after the word “department”, in line 4, the following words:- of early education and care.

SECTION 14. Said section 54 of said chapter 15, as so appearing, is hereby amended by striking out subsection (b).

SECTION 15. Subsection (g) of said section 54 of said chapter 15, as so appearing, is hereby amended by striking out the second and third sentences.

SECTION 16. Said section 54 of said chapter 15, as so appearing, is hereby amended by striking out, in lines 86 and 87, the words “executive office of health and human services” and inserting in place thereof the following words:- department of early education and care.

SECTION 17. Said section 54 of said chapter 15, as so appearing, is hereby further amended by striking out, in line 88, the words “executive office” and inserting in place thereof the following word:- department.

SECTION 18. Said section 54 of said chapter 15, as so appearing, is hereby further amended by striking out subsections (j) and (k).

SECTION 19. Said Section 54 of said chapter 15 is hereby repealed.

SECTION 20. Section 1 of chapter 15D of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “nurture for” and inserting in place thereof the following word:- nurturing.

SECTION 21. Said chapter 15D is hereby further amended by inserting after section 1 the following section:-

Section 1A. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:-

“Adoption”, the establishment of the legal relationship of parent and child under chapter 210.

“Board”, the board of early education and care.

“Child”, any person under the age of 18 or under the age of 22 if that person is a child with special needs.

“Child with special needs”, a child who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors, or other specific learning disabilities, is or would be unable to progress effectively in a regular school program.

“Child care center”, a facility operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Child care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of that system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious

organization where children are cared for during short periods of time while persons responsible for the children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

“Child of working parents”, a child of a 2-parent family in which both parents work either full-time or part-time, or a child of a single-parent family in which the parent works either full-time or part-time.

“Commissioner”, the commissioner of early education and care.

“Curriculum frameworks”, curriculum frameworks established under section 1E of chapter 69.

“Department”, the department of early education and care.

“Early education and care program”, a public or privately sponsored non-residential program, which provides for the care and education of school-aged children when not attending school, or infants, toddlers, or preschool children by someone other than members of the child’s family, and which involves and supports the child’s parents or guardians and is appropriate to the development of the child, including: in-home care, homemaker services, family child care homes, group child care homes, large family child care homes, full-day child care centers, part-day preschool programs and nursery schools, private kindergartens, mental health consultation and intervention programs, and temporary shelter care programs and programs which offer night care.

“Family child care home”, a private residence which on a regular basis, receives for temporary custody and care during part, or all of the day, children under 7 years of age, or children under 16 years of age if those children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations promulgated by the board. The total number of children under 16 in a family child care home shall not exceed 6, including participating children living in the residence. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

“Family child care system”, a person who, through contractual arrangement, provides to family child care homes which it has approved as members of that system, central

administrative functions, including, but not limited to, training of operators of family child care homes; technical assistance and consultation to operators of family child care homes; inspection, supervision, monitoring, and evaluation of family child care homes; referral of children to available family child care homes; and referral of children to available health and social services. Family child care system shall not mean a placement agency or a child care center.

“Family foster care”, substitute parental care in a family given in a private residence for up to 6 children under 18 years of age on a regular, 24-hour-a-day, residential basis by anyone other than a relative by blood or marriage, but the care may be provided for more than 6 children in order to place siblings in the same residence.

“Group care facility”, a facility which provides care and custody for 1 or more children under 18 years of age, on a regular, 24-hour-a-day, residential basis by anyone other than a relative by blood or marriage, notwithstanding the fact that the care may include educational instruction. Private schools shall be considered group care facilities only if the schools provide special services to children with special needs. Group care facility shall not mean family foster care, a hospital, ward or comprehensive center licensed under section 19 of chapter 19, a hospital, ward or comprehensive center operated by the commonwealth or any subdivision thereof, a hospital, institution for unwed mothers, convalescent or nursing home, rest home, or infirmary licensed under chapter 111, or any facility operated under chapter 123. Group care facility shall not be limited to a facility defined as a group residence under the state building code.

“Large family child care home”, a private residence which, on a regular basis, receives for temporary custody and care during part, or all of the day, children under 7 years of age, or children under 16 years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations promulgated by the board, but the number of children under the age of 16 in a large family child care home shall not exceed 10, including participating children living in the residence. A large family child care home shall have at least 1 approved assistant when the total number of children participating in child care exceeds 6. Large family child care home shall not mean a private residence used for an informal cooperative arrangement

among neighbors or relatives, or the occasional care of children with or without compensation.

“Local early education and care council”, a locally directed council approved under guidelines adopted by the board and comprised of local representatives from public and non-public schools, community based providers of early education and care programs and services, families being served locally by the department, and other persons with experience in the care and education of young children or in the administration and support of early education and care programs and services.

“Massachusetts universal pre-kindergarten program”, the program of voluntary, universally accessible early education and care programs and services for preschool-aged children, established in section 13.

“Mixed system”, any person providing early education and care, including, but not limited to, public, private, non-profit and for-profit preschools, child care centers, nursery schools, preschools operating within public and private schools, Head Start programs and independent and system affiliated family child care homes.

“Person”, an individual, partnership, corporation, association, organization or trust or any department, agency or institution of the federal government or of the commonwealth or any political subdivision thereof.

“Placement agency”, a department, agency or institution of the commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the commonwealth, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in family foster care or a group care facility; but, for the purposes of adoption placement, a “placement agency” shall be a department, agency or institution of the commonwealth, or any political subdivision thereof, or any organization incorporated under chapter 180, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under the age of 18 years of age, for placement in adoption.

“Preschool-aged”, a person between the age of 2 years and 9 months and the age the person becomes eligible for kindergarten in the city or town where the person resides.

“Public preschool programs”, early education and care programs and services provided to preschool-aged children by public school districts organized under chapters 15, 69 and 71.

“Regional child care resource and referral agency”, a regionally-based organization which provides a range of services to promote access to high-quality early education and care for families and children.

“School-aged child care program”, a program or facility operated on a regular basis which provides supervised group care for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than 14 years of age, or not more than 16 years of age if the child has special needs. Such a program may operate before and after school and may also operate during school vacation and holidays. It shall provide a planned daily program of activities that is attended by children for specifically identified blocks of time during the week, usually over a period of weeks or months. A school-aged child care program shall not include: a program operated by a public school system; a part of a private, organized educational system, unless the services of that system are primarily limited to a school-aged child care program; a Sunday school or classes for religious instruction conducted by a religious organization where the children are cared for during short periods of time while persons responsible for those children are attending religious services; a family child care home except as provided under large family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

“Services”, developmental, preventative, protective, recreational, or rehabilitative services for children, including, but not limited to, services to children with special needs, services to assist parents in child nurturing and family living, and information and referral services. These services may be delivered through public or privately funded non-residential programs.

“Temporary shelter facility”, a facility which operates to receive children under 18 years of age for temporary shelter during the day or night when those children request



shelter, or when children are placed there by a placement agency, a law enforcement agency, or a court with authority to make this placement. Temporary shelter facility shall not mean family foster care or a group care facility, a police station or a town lockup.

SECTION 22. Section 2 of said chapter 15D, as so appearing, is hereby amended by striking out, in lines 2 to 4, the words “shall serve as the lead agency for the administration of all public and private early education and care programs and service. The department”.

SECTION 23. Said section 2 of said chapter 15D, as so appearing, is hereby further amended by adding the following paragraph:—

The department shall:—

(a) be the lead agency of the commonwealth for administering and providing early education and care programs and services to children;

(b) provide early education and care programs and mental health consultation and other support services for children in the commonwealth through grants, contracting for those programs and services, and providing vouchers to participants, and promote the coordination of all such programs and services;

(c) license or approve child care centers, school-aged child care programs, family child care homes and large family child care homes, family foster care which is not supervised and approved by a placement agency, placement agencies, group care facilities, or temporary shelter facilities;

(d) develop and maintain a current consolidated waiting list for all subsidized early education and care programs, and services in the commonwealth;

(e) establish and develop a schedule for revising (1) a rate structure for voucher and contracted payments to providers of subsidized early education and care programs and services on behalf of low-income and other at-risk children and (2) a sliding fee scale for participants in those programs. A public hearing under chapter 30A and the approval of the board are required before the establishment or revision of the rate structure and sliding fee scale;

(f) manage and implement the Massachusetts universal pre-kindergarten program, established in section 13, and ensure the universal accessibility of that program by using

the sliding fee scale developed for early education and care programs, that may be phased in over the period of time that the board determines appropriate;

(g) adopt criteria, after holding a public hearing, including income eligibility requirements, for determining eligibility for an early education and care program or service, including the universal pre-kindergarten program, under this chapter, and develop a schedule for revising those criteria. Income eligibility requirements shall include a maximum allowable income for working families;

(h) monitor and evaluate on an ongoing basis all early education and care programs and services, including program outcomes in meeting the developmental and educational needs of all children;

(i) analyze and evaluate all budget requests for early education and care programs and services, including requests from secretaries, departments, agencies, or other offices within the commonwealth and make recommendations to the secretary of education, general court, appropriate secretaries, departments, agencies, or other offices regarding coordination and approval of those budget requests;

(j) lease, purchase, hold and dispose of personal and real property it considers necessary to carry out this chapter;

(k) seek to increase the availability of early education and care programs and services and encourage all providers of those programs and services to work together to create an array of options allowing families to select programs that fit with their schedules;

(l) provide information and referral to persons seeking early education and care programs and services;

(m) work in conjunction with the department of transitional assistance to obtain federal reimbursement under the federal Social Security Act for all participants in publicly-funded early education and care programs and services who are eligible;

(n) promote the development of early education and care services for children by seeking and accepting federal grants as well as assisting other agencies of the commonwealth and local agencies to take full advantage of all federal funds available for those services;

(o) provide technical assistance and consultation to providers and potential providers of early education and care services;

(p) facilitate the development of the early education and care workforce, and, when appropriate, provide for training programs and professional development for persons offering early education and care programs and services;

(q) establish and regularly update: (1) a comprehensive database of early childhood educators and providers, hereinafter referred to as the educator database, for the purpose of enhancing the workforce development system and (2) a comprehensive database of children both waiting for and receiving early education and care services, in this chapter called the student database, that is compatible with relevant databases at the department of elementary and secondary education or the executive office of health and human services; and

(r) collect and disseminate information to assist parents in nurturing their children's development and education. This information shall be made widely available in written form and accessible through the department's website, in English and other commonly spoken languages in the commonwealth.

SECTION 24. Section 3 of said chapter 15D, is hereby amended by inserting after the word "care", in line 77, as so appearing, the following words:- programs and.

SECTION 25. Said section 3 of said chapter 15D, is hereby further amended by inserting after the word "professionals", in line 80, as so appearing, the following words:- which accommodates ease of movement of children, by parents, between programs and providers without loss of subsidy funding for the family.

SECTION 26. Said section 3 of said chapter 15D, is hereby further amended by inserting after the word "programs", in line 85, as so appearing, the following words:- and services to children.

SECTION 27. Said section 3 of said chapter 15D, is hereby further amended by inserting after the word "care", in line 93, as so appearing, the following words:- programs and services to children.

SECTION 28. Said section 3 of said chapter 15D, is hereby further amended by striking out, in line 102, as so appearing, the word “and”.

SECTION 29. Said section 3 of said chapter 15D, is hereby further amended by inserting after the word “exploitation”, in line 104, as so appearing, the following:- ; and

(12) to promote the design and implementation of the Massachusetts universal pre-kindergarten program.

SECTION 30. Said section 3 of said chapter 15D, as so appearing, is hereby further amended by inserting after the word “commonwealth”, in lines 109 and 110, the following words:- except for those grant programs for which the department of elementary and secondary education is the state educational agency.

SECTION 31. Said section 3 of said chapter 15D, as amended by section 84 of chapter 29 of the acts of 2008, is hereby further amended by striking out subsection (e) and inserting in place thereof the following 3 subsections:-

(e) The board shall determine the need for all early education and care programs and services, the extent and availability of those programs and services and the coordination of those programs and services, and shall make recommendations to the secretary of education, the general court, and appropriate secretaries, agencies, departments, or other offices on need priorities and any changes necessary to improve coordination.

(f) The board, under chapter 30A, shall promulgate and, from time to time, may revise rules and regulations that may be necessary to carry out this chapter. These regulations shall include age-appropriate and developmentally appropriate standards for the following developmental stages: infant and toddler, pre-school, early elementary, and older school age children. These standards shall be promulgated in consultation with the advisory council on early education and care. These regulations shall also include requirements for licensure as set forth in section 8. The board shall submit any rules and regulations, or revisions to them, to the joint committee on education and the house and senate committees on ways and means at least 60 days before promulgation, except for emergency regulations which shall be filed with the committees the same day they are filed

with the secretary of the commonwealth. The joint committee on education shall review and comment on these rules and regulations during that time period.

(g) The board shall submit an annual report to the secretary of education, the secretary of administration and finance, the clerks of the house of representatives and senate, and the joint committee on education, describing its progress in achieving the goals and implementing the programs authorized in this chapter. The report shall evaluate the progress made toward universal early education and care for preschool-aged children and toward reducing expulsion rates through developmentally appropriate prevention and intervention services. This report shall be submitted no later than February 15 of each year.

SECTION 32. Said chapter 15D is hereby further amended by inserting after section 3 the following section:-

Section 3A. There shall be a state advisory council on early education and care, the members of which shall represent a reasonable geographic balance and shall reflect the diversity of the commonwealth in race, ethnicity, gender and sexual orientation. Members of the advisory council shall, at minimum, include 1 person from each of the following organizations, or their successor organizations, where applicable, the Massachusetts Head Start Association, the Massachusetts Association for the Education of Young Children, the Massachusetts Association of Early Childhood Teacher Educators, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Elementary School Principals Association, the Massachusetts Association of Regional Schools, the Massachusetts Teachers Association, the American Federation of Teachers Massachusetts, the Massachusetts Business Alliance for Education, the Massachusetts Association of Community Partnerships for Children, Inc., Strategies for Children/Early Education for All, the Child Care Resource and Referral Network, the Massachusetts Association of Day Care Agencies, the Massachusetts Independent Child Care Organization, Associated Early Care and Education, BostNET, the YMCAs of Massachusetts, the United Way of Massachusetts Bay, the Massachusetts After-School Partnership, Parents Alliance for Catholic Education, Together for Kids Coalition, Horizons for Homeless Children, the Massachusetts Chapter of the American

Academy of Pediatrics, the Federation of Children With Special Needs, the Bureau of Jewish Education, the Boston Institute for the Development of Infants and Parents, the Massachusetts Early Intervention Consortium, and a family child care provider chosen by the commissioner.

The council shall be further composed of 8 members, 3 of whom shall be appointed by the speaker of the house, 1 of whom shall be appointed by the minority leader of the house of representatives, 3 of whom shall be appointed by the president of the senate, and 1 of whom shall be appointed by the minority leader of the senate. Additional advisory members may also be recommended by the commissioner and appointed by the board. All appointees shall have a special expertise or interest in high quality early childhood education and care and shall represent a mix of representatives of the early childhood community, the civic, labor, and business communities, academics, parents, teachers, social service providers, and health care providers.

Members shall not, by virtue of their membership, be considered state employees under chapter 268A. The members of the council shall serve without compensation but may be reimbursed, subject to appropriation, for expenses necessarily and reasonably incurred in the performance of their responsibilities. Members shall be appointed for a term of 3 years. No member shall serve for more than 2 consecutive terms. The council shall meet no fewer than 4 times annually.

The commissioner shall consult with the advisory council on the development of the 5-year master plan for early education and care required under section 4, and the adoption of the educationally sound kindergarten readiness assessment instrument required under sections 3 and 13. The advisory council may review and offer comments on any rules or regulations before promulgation by the board, and may, from time to time, make recommendations to the board that it considers appropriate for changes and improvements in early education and care programs and services.

SECTION 33. Said chapter 15D is hereby further amended by striking out section 4, as most recently amended by section 86 of chapter 27 of the acts of 2008, and inserting in place thereof the following section:-

Section 4. The board shall by a 2/3 vote of its members submit to the secretary, for the secretary's approval, a recommended candidate to serve as the commissioner of early education and care, in this chapter called the commissioner. The secretary may appoint the recommended candidate as commissioner. If the secretary declines to appoint the candidate, the board shall submit a new candidate for consideration. The secretary may appoint the commissioner only from candidates submitted to the secretary by the board.

The board may in its discretion by majority vote of its members remove the commissioner. The commissioner shall be the secretary to the board and its chief executive officer and shall be the executive and administrative head of the department. The commissioner shall receive a salary to be determined by the board.

The commissioner shall have substantial professional or administrative experience in the fields of early education and care. The commissioner shall devote full time during business hours to the duties of the office. The commissioner shall be responsible for administering and enforcing the law relative to the department. The commissioner may authorize any officer of the department to exercise in his name any power or to discharge any duty assigned to the commissioner by law, and may at any time revoke that authority.

Subject to the approval of the board of early education and care, the commissioner may apply for and accept on behalf of the commonwealth, any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or policies of the department. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the commissioner, with the approval of the board of early education and care. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.

The commissioner, with the approval of the board, shall establish divisions or other offices considered necessary for the efficient operation of the department. Each division or office shall be under the charge of an associate commissioner who shall be appointed by the commissioner and who shall be subject to the direction, control and supervision of the commissioner. Each associate commissioner shall be a person of skill and experience in the field of appointment and shall be appointed by and may be removed by the commissioner. Each associate commissioner shall devote full time during business hours

to the duties of the office. Sections 9A, 9B and 9D of chapter 30, and chapter 31 shall not apply to the commissioner, to associate commissioners that he may appoint, or to other such supervisory positions that he may create.

The commissioner shall propose a budget to the board. Said budget shall reflect the goals and objectives of the board and the secretary. The board shall review and make recommendations regarding the budget to the secretary. The secretary shall then prepare and submit a budget request on behalf of the department to the house and senate committees on ways and means, the joint committee on education, and to the secretary of administration and finance.

The commissioner may make agreements with other departments and agencies of the commonwealth and may contract with other persons, including, but not limited to, private agencies, to carry out this chapter. The commissioner shall establish standards and procedures governing these agreements and contracts, subject to the approval of the board.

The commissioner shall analyze the present and future goals, needs and requirements of early childhood education and care in the commonwealth and recommend to the board comprehensive means to achieve a well-coordinated system that promotes positive social and emotional development, high educational achievement, and quality care in the commonwealth. Following consultation with the board, the commissioner shall prepare and submit to the secretary, for the secretary's review and approval, a 5-year master plan for achieving such a coordinated system. The master plan along with an annual progress report shall reflect the goals and standards established by the board and the secretary.

The master plan shall include, but not be limited to: enrollment projections, identification of measures for age-appropriate child development and school readiness, expulsion rate projections, utilization of existing facilities, promotion of research, programmatic excellence, recommendations for construction or acquisition of new facilities, program distribution, the addition of new programs, the elimination of existing programs, and the need for program revisions. The commissioner shall receive reports, undertake research, and facilitate coordination among and between all entities delivering programs or services under this chapter. The commissioner shall promote the partnership of providers of early education and care programs and services with elementary and secondary schools, institutions of higher education, and business and civic organizations.



The board may delegate its authority or any portion thereof to the commissioner whenever in its judgment such delegation may be necessary or desirable. The commissioner shall exercise such delegated powers and duties with the full authority of the board.

The commissioner may, subject to appropriation, appoint such other employees as she deems necessary to carry out her duties and responsibilities, shall be provided with adequate offices, and may expend sums for other necessary expenses of the department.

SECTION 34. Said chapter 15D is hereby further amended by inserting after section 4 the following section:-

Section 4A. (a) In order to facilitate the licensure process, the commissioner, with the approval of the board, shall establish sub-state regions within which all licensure or approval of child care centers and family child care homes, large family child care homes, and family child care systems, under sections 6 to 10, inclusive, shall be carried out.

(b) The department shall support and work with local early education and care councils in the development of community plans that address how the councils and communities will: (1) build on the local array of services and improve access to services for additional families or increased services for families already receiving services; (2) increase quality; (3) support comprehensive services for children and families; (4) collaborate across agencies; and (5) provide services for hard to reach populations. Local plans will be reviewed and evaluated using board approved criteria to assess the quality of collaborative planning, the effectiveness of the plan in addressing community needs and the quality and cost-effectiveness of proposed services.

(c) In order to ensure regional coordination and to maximize local participation in the programs and services of the department, the department shall support and work with regional child care resource and referral agencies in the development of region-wide improvement plans.

(d) The commissioner shall attempt to maximize statewide coordination of services by ensuring that the geographic service areas of the regional child care resource and referral agencies and the local early education and care councils are similar to each other

and to the regions created by subsection (a) of this section. These regional agencies and local councils shall work together to provide and coordinate a broad range of services to promote access to high-quality early education and care programs to children and families throughout the commonwealth including, but not limited to, acting as local points of access for families seeking information about and financial assistance for early education and care and supporting professional development opportunities for early education and care providers.

SECTION 35. Section 5 of said chapter 15D, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 67, the word “and”,- and by striking out clause (14) and inserting in place thereof the following 3 clauses:-

(14) ways to recognize and honor advancement in educational attainment among early educational and care professionals;

(15) professional development opportunities that are provided in languages other than English, and incorporation of these opportunities into any broader, articulated system that is developed; and

(16) alignment of the core competencies, course offerings and other professional development opportunities, where appropriate, with the program quality standards established under section 11.

SECTION 36. Said chapter 15D is hereby further amended by adding the following 11 sections:-

Section 6. (a) No person shall operate a school-aged child care program, a child care center, family child care home, large family child care home, placement agency, group care facility, or temporary shelter facility unless that person is licensed by the department. A department, agency or institution of the commonwealth or any political subdivision thereof shall obtain an approval rather than a license in order to operate a child care center, family child care home, placement agency, group care facility, or temporary shelter facility.

(b) No person shall maintain a child in family foster care without placement, supervision and approval by a placement agency unless that person is licensed by the department.

(c) No person shall place or knowingly facilitate the placement of any child in the care or control of any other person not related to that child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption in the commonwealth. No person unrelated to a child by blood or marriage, and no organization other than a licensed or approved placement agency, shall receive a child for purposes of adoption, except from a licensed or approved placement agency. Nothing in this section shall prevent the placement of a child who is not a citizen of the United States when a home study of the prospective parent or parents before the placement of the child is performed by a licensed placement agency. For the purpose of this section, the spouse of the natural parent of a child shall be considered to be related by marriage to that child.

(d) Notwithstanding any general or special law, rule or regulation to the contrary, no child shall be placed in a foster home before the approval of the home by the department or by any individual or agency licensed by the department under this section, except in an emergency placement in a foster home limited to relatives or long-term friends of the child's family. This approval shall include criminal record information checks on all persons 18 years or older residing at the home. In the event of any emergency placement, a criminal offender record information check shall be completed on all persons 18 years of age or older residing at the home within 10 working days after the placement. If the result of any of these checks shows that any occupant of the home has a criminal record involving violence, abuse, or exploitation against any person, which bears adversely upon the person's ability to assume and carry out the responsibilities of a foster parent or poses a serious threat of harm to a child, the home shall not be approved by the department. No child shall be placed in that home, and any emergency placement shall be removed immediately.

(e) No person shall cause to be published in a newspaper distributed anywhere in the commonwealth or to be broadcast on a radio or television station in the commonwealth an advertisement or notice for the placement or reception of a child under 16 years of age for

family foster care, family child care, large family child care, child care center care, school-aged child care program, group residential care, or temporary shelter care or adoption unless the advertisement is placed by a licensed or approved placement agency, by a licensed family child care home, large family child care home, child care center, school-aged child care program, group care facility, or temporary shelter facility, or with the written approval of the department. The advertisement or notice shall include the license or registration number issued to the provider or agency under this section.

Section 7. (a) The department shall issue and may renew a license to any person other than a department, agency or institution of the commonwealth or any political subdivision thereof, who meets applicable standards and requirements to establish and maintain or to assist in the establishment and maintenance of a school-aged child care program, a child care center, family child care home, placement agency or large family child care home, family foster care which is not supervised and approved by a placement agency, group care facility, or temporary shelter facility.

(b) The department shall issue approval to a department, agency, or institution of the commonwealth or any political subdivision thereof which it determines meets the applicable standards and requirements to establish and maintain a child care center, family child care home or large family child care home, placement agency, group care facility, or temporary shelter facility.

(c) The department may issue a provisional license for or may provisionally approve a school-aged child care program, a child care center, family child care home or large family child care home, family foster care which is not supervised and approved by a placement agency, placement agency, group care facility, or temporary shelter facility, which has not previously operated or is operating but is temporarily unable to meet applicable standards and requirements. A provisional license or approval shall be issued for a period not to exceed 6 months, and in no case shall a person operate under a provisional license, provisional approval, or renewal thereof for more than 12 consecutive months.

Section 8. (a) The board shall promulgate regulations relative to the requirements for licensure and approval of school-aged child care programs, child care centers, family child care homes or large family child care homes, family foster care which is not supervised and approved by a placement agency, placement agencies, group care facilities, or

temporary shelter facilities. These regulations shall be appropriate for the protection of the health, well-being and development of children and shall include, but need not be limited to, provisions regarding (1) admission policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or treatment; (6) behavior management and child guidance policies and procedure; (7) health care and nutrition; (8) rights and responsibilities of parents, children and staff; (9) record keeping and other procedures relevant to evaluation including, but not limited to, reports by placement agencies detailing the number and nature, as defined jointly by the University of Massachusetts center for adoption research and policy in the city of Worcester and the department of social services, of adoptions processed during each calendar quarter to be filed with the center on or before January 30 of each year; (10) organization, financing and administration; and (11) the imposition of civil fines and other sanctions. The board shall consult with the board of elementary and secondary education, the executive offices of public safety and health and human services before promulgating these rules and regulations. The board shall submit any rules and regulations, or revisions to them, to the joint committee on education for review and comment at least 60 days before promulgation.

(b) The regulations may establish classifications for licensure or approval that are necessary to achieve the purposes of this section, but the standards and requirements for approval of a child care center, family child care home or large family child care home, placement agency, group care facility, or temporary shelter operated by a department, agency or institution of the commonwealth or any political subdivision thereof shall be the same as or higher than those applicable to the licensure of comparable facilities or services. The regulations shall establish reasonable license fees and appropriate terms for all licenses granted under this section. No license or approval shall be transferable.

(c) The regulations as they relate to standards and requirements for licensure and approval of large family child care homes shall include, but not be limited to, appropriate standards for: 1 or more approved assistants as provided in this chapter; additional floor space; staff/child ratios for multiple age and size groupings; including limitations on the number of infants in care at 1 time; the hours of school-aged care; the number and age of school-aged children cared for; a prerequisite that a provider have at least 3 years of

experience in licensed family child care and have completed at least 5 hours of specialized training before licensure as a large family child care provider and at least 10 hours of training each subsequent year. In formulating the regulations pertinent to family child care homes, large family child care homes, and family foster care, the department shall give special attention to fire and safety precautions.

(d) The regulations shall provide that each person providing child care or support services with the potential for unsupervised contact with children in any program or facility licensed or funded by the department, as well as any household members or persons regularly on the premises of family child care and large family child care homes, shall be subject to a criminal offender record information check.

(e) Any rule or regulation involving medical treatment shall include appropriate exemptions for children whose parents object to it on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member. The regulations shall require that each child care program licensed or approved by the department shall obtain from a parent or guardian of a child in care under the age of 6 years, but not less than 2 years of age, a statement, signed by a physician or an employee of a health care agency, that the child has been screened for lead poisoning. This statement shall be obtained upon the child's enrollment if the child is 2 years of age or older or at the time the child reaches 2 years of age.

(f) The regulations shall require that any person who operates a school-aged child care program, as defined in section 2 of chapter 132B, or a child care center shall comply with the requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive of that chapter.

(g) Fines authorized by this section shall range from \$50 to \$1,000. In no case shall a fine imposed on a family child care home, large family child care home, or child care center as defined in this section, exceed a maximum fine of \$250 per violation.

(h) The department shall provide consultation to assist applicants in meeting its requirements for licensure or approval, and in meeting other applicable state and local requirements relative to fire, safety, and zoning codes.

(i) The board shall conduct a comprehensive review of rules and regulations established under this section at least once every 5 years.

Section 9. (a) The department may, at any reasonable time, visit and inspect any facility operated by a person who is subject to licensure or approval under this section in order to determine whether the facility is being operated in compliance with law and with the rules and regulations established by the board.

(b) The department shall make an unannounced monitoring inspection of all large family day care homes within 6 months after the issuance of licenses for those facilities and shall, annually, make at least 1 such unannounced monitoring inspection thereafter.

(c) The department shall promptly investigate and evaluate any notice transmitted to the department by the department of social services under clause (9) of section 51B of chapter 119. This investigation and evaluation shall determine whether the facility being operated by a person subject to licensure or approval under this section is being operated in compliance with this chapter and with the rules and regulations established under this chapter. If, during the course of this investigation or licensing study conducted by the department, any agent or employee of the department receives or discovers information concerning the occurrence of child abuse or neglect, the agent or employee shall make a report to the department of social services under section 51A of chapter 119.

Section 10. Subject to the requirements of chapter 30A, the department may suspend, revoke, make probationary, refuse to issue or renew the license of any person, assess a civil fine within the limits prescribed by this section, or impose any other sanctions it considers appropriate, in accordance with rules and regulations promulgated by the board. This action may be taken if the person: fails to comply with applicable rules and regulations, furnishes or makes any misleading or false statements reporting any submission required under the rules and regulations, refuses to submit any reports or make available any records required by the rules and regulations, or refuses to admit representatives of the department at any reasonable time for purposes of investigation or inspection. The department may temporarily suspend a license in an emergency situation without a prior hearing. Upon request of an aggrieved party, a hearing shall be held as soon after the license is suspended as is reasonably possible. Any party aggrieved by a final decision of the department in any adjudicatory proceeding under this section may petition for judicial review under section 14 of chapter 30A.

The board shall include in its annual report, rules and regulations promulgated by the board relative to the use of civil fines and sanctions, the types of sanctions, and the level of those fines.

Section 11. The board, after holding a public hearing, shall adopt, and develop a schedule for revising, program quality standards and requirements that any early education and care program or provider shall meet. The department shall develop separate but related standards for children in the following developmental stages: infant and toddler, pre-school, early elementary and older school-age, and for additional developmental stages that the department may determine relevant based on research and best practice. These standards and requirements shall incorporate essential elements of high-quality early education and care that promotes healthy, cognitive, linguistic, social, emotional and physical outcomes, and school readiness based on curriculum frameworks. Standards and requirements shall build upon the licensure regulations promulgated under section 8 of this chapter.

(a) The standards for all developmental stages and any succeeding developmental stages adopted by the department shall be incorporated into a single document and linked by a common philosophy and consistent goals and guiding principles. This document shall also include the policy developed jointly with the department and board of elementary and secondary education required under section 13 to ensure smooth transitions between infant and toddler programs, preschool, and kindergarten. The standards shall be regularly updated to reflect applicable research and best practices. The board shall submit standards and requirements, or revisions of them, to the joint committee on education and the house and senate committees on ways and means at least 60 days before promulgation. The joint committee on education shall review and comment on the rules and regulations during that time period.

(b) The board shall include in its adoption and revision of program quality standards a specific focus on the unique requirements and needs of preschool-aged children, including, but not limited to, rigorous guidelines for preschool learning experiences. Every early education and care program or provider shall be required to meet these standards in order to participate in the Massachusetts universal pre-kindergarten program, established under section 13.



(c) The department, with approval of the board, shall develop a consistent set of learning standards for all preschool programs in the commonwealth, to be included in the program quality standards. The standards shall be consistent with the curriculum frameworks developed by the department of elementary and secondary education, shall be research-based, and shall be updated regularly to reflect best practices in the field of early education and care. The standards shall guarantee at a minimum, that every program participating in the Massachusetts universal pre-kindergarten program shall include consultation and intervention services for children at risk for expulsion.

(d) With the approval of the board, the department shall develop and establish a schedule for revising a comprehensive set of developmental benchmarks which may be incorporated into the quality standards, and which may be used by all early education and care programs in measuring children's developmental progress utilizing the healthy, cognitive, linguistic, social, emotional and physical outcomes for developing the quality standards. In developing the benchmarks, the department shall collaborate with pediatricians, child psychologists, and researchers within the field of child development and developmental psychology, in order to ensure that the document reflects best practices in the field and the most recent evidence provided by science about early childhood development.

Section 12. (a) The department shall establish a comprehensive system for measuring the performance and effectiveness of programs providing early education and care and services. This system shall include, but not be limited to, outcomes of the kindergarten readiness assessment system and additional educationally sound, evaluative tools or developmental screenings that are adopted by the department to assess developmental status, age-appropriate progress and school readiness of each child; outcomes of evidence-based intervention and prevention practices to reduce expulsion rates; and evaluations of overall program performance and compliance with applicable laws, standards and requirements. If the department determines that a program has failed to meet performance measures, it may impose sanctions that it considers necessary. These sanctions may include, but need not be limited to, probationary status and termination of funding.

(b) The department, with the approval of the board, shall adopt, and from time to time may revise, the rigorous, developmentally appropriate, and educationally sound

kindergarten readiness assessment system required by this chapter, including additional tools that the department considers necessary in order to assess age-appropriate progress and school readiness of preschool-aged children. This system shall recognize the unique challenges of assessing preschool-aged children, and shall utilize tools that are reliable, valid and culturally and linguistically appropriate. The department shall align this assessment with its program quality and learning standards, benchmarks, the department of elementary and secondary education's curriculum guidelines and, where applicable, best practices in the field.

(c) Assessments shall be conducted as much as practicable in the child's natural setting, and the results of the assessment tests developed by the department shall not be used for "high stakes" decisions, about a child's progress within the preschool environment nor about the child's transition to kindergarten. Data collected from these assessments shall not be used for the purpose of ranking individual students within a program.

(d) In developing these assessments, the department shall survey all providers in the commonwealth, and as much as practicable, review the major assessment systems in place in other states, in order to determine the most appropriate tools of assessment for the commonwealth. Upon determination by the board that the tools are valid, reliable, and appropriate, the department shall require that every provider in the commonwealth participating in the Massachusetts universal pre-kindergarten program use the assessment tools for the purposes outlined in this chapter. Subject to appropriation, the department shall provide training and professional development to providers to ensure the consistent application of assessment tools.

(e) The comprehensive system for measuring the performance and effectiveness of programs shall be designed to measure the extent to which every preschool-aged child receiving early education and care in the commonwealth through the Massachusetts universal pre-kindergarten program has a fair and full opportunity to reach that child's full developmental potential and shall maximize every child's capacity and opportunity to enter kindergarten ready to learn. The comprehensive system shall be designed to include, but not be limited to, measuring a program's ability to provide: (1) instructional improvement through the provision of instructionally relevant information which guides instructional decision-making, (2) alignment of the preschool's curriculum with the state learning and

program standards promulgated under this chapter, (3) the identification of children in need of additional educational, medical, and human services, (4) communication with parents, (5) preparation of an appropriate kindergarten transition plan for each student under this chapter, (6) program evaluation under this chapter, and (7) the gathering of data for the longitudinal study required by this chapter.

(f) Pursuant to section 11 of this chapter, the department shall establish a comprehensive system for measuring the performance and effectiveness of preschool programs providing early education and care. This system shall include, but not be limited to, outcomes of the kindergarten readiness assessment system required by this section and other educationally sound, evaluative tools that are adopted by the department to assess age-appropriate progress and school readiness of each preschool-aged child and evaluations of overall provider performance and compliance with applicable laws, standards and requirements. The department shall conduct a formal evaluation of all early education and care programs and providers participating in the Massachusetts universal pre-kindergarten program at least once every 2 years. If the department determines that a provider has failed to meet performance measures, or to comply with applicable laws, standards and requirements, it may impose sanctions that it considers necessary. These sanctions may include, but need not be limited to, a probationary period or termination of funding.

Section 13. (a) The board shall, subject to appropriation, establish the Massachusetts universal pre-kindergarten program to assist in providing voluntary, universally accessible, high-quality early education and care programs and services for preschool-aged children in the commonwealth. The program shall be designed to meet and enhance the preschool-aged child's ability to make age appropriate progress in the development of cognitive, linguistic, social, emotional and physical capacities, and school readiness based on curriculum frameworks.

(b) The Massachusetts universal pre-kindergarten program shall be delivered through a mixed system of providers and programs. Programs shall be sufficiently flexible to serve families with various work schedules. The department shall develop a method for funding the program, which may provide grants, or enter into contracts with any provider of early education and care, or entities coordinating or administering plans to provide high-quality,

comprehensive services to children and their families within the local community. These providers may include but are not limited to: public, private, non-profit and for-profit preschools, child care centers, nursery schools, preschools operating within public and private schools, Head Start programs, independent and system-affiliated family child care homes, and local early education and care councils. The department may provide vouchers to eligible households for the purpose of implementing the early education and care program. All providers shall demonstrate that they are able and willing to serve and integrate children of diverse abilities and special needs, diverse cultural and linguistic backgrounds and diverse economic circumstances.

(c) The department and board shall, in consultation with the department and board of elementary and secondary education, develop a joint policy on kindergarten transitions, which shall ensure smooth transitions between home, family day care, center-based preschool, and public pre-school. The policy shall be research-based, and aligned with best practices. The policy shall recognize the sensitive nature of the process for children and families, shall be designed to ensure the ongoing participation of parents and family in the process, and shall maximize all opportunities to ensure smooth transitions during the year before kindergarten entry. The process shall include as much as is practicable, the exposure of both children and families to the kindergarten environment early and regularly in the transition process. The department shall require every preschool program receiving funding from the commonwealth to develop a local transition plan consistent with the statewide policy plan.

(d) The department, in cooperation with the executive office of health and human services, shall, to the extent practicable, assure that the programs and services provided through the Massachusetts universal pre-kindergarten program are no less available in the aggregate to the children of disabled parents than they are to the children of non-disabled parents. The department of early education and care, with the approval of the board and in consultation with the state advisory committee on early education and care established in section 3A, shall study and present any additional recommendations on the programmatic, financing, and phase-in options for the development and universal implementation of the Massachusetts universal pre-kindergarten program. This study shall include an estimate of the need for full-day, full-year care that meets the needs of parents who work full-time and

shall include the number of pre-school aged children in the commonwealth who may be at risk due to family poverty, TAFDC status, special needs, or other risk factors.

The department shall include its findings and recommendations, and any updates of its findings, in the annual report required under section 3.

Section 14. (a) A person whose consent is required by section 2 of chapter 210 may, before surrender, request from a placement agency background information pertaining to the prospective adoptive family in which the placement agency expects to place the child if surrendered. The nature of the background information shall be established in rules and regulations promulgated by the board. No agency shall be required to reveal the identity or geographical location of the prospective adoptive family to such person. The placement agency shall provide the background information in writing unless the person whose consent is required signs a written waiver of the request.

(b) Each placement agency shall register with an adoption resource exchange in the commonwealth whose goal is adoption of a child, whether the child is free for adoption or at legal risk, for whom the placement agency has been unable to identify a specific adoptive family or initiate the adoption process with a prospective adoptive family within 60 days of the determination of the goal of adoption. For the purposes of this section, an adoption resource exchange shall mean a nonprofit agency the primary purpose of which is to link children awaiting placement with permanent families by providing information and referral services and by the recruitment of potential adoptive families.

Section 15. (a) Any person who violates section 6 may be punished for each violation by a fine of up to \$5,000 or by imprisonment for not more than 2½ years, or both.

(b) Upon petition of the department, the superior court shall have jurisdiction to enjoin any violation of section 6 or to take other action that equity and justice may require.

Section 16. Upon petition of the department, the superior court shall have jurisdiction to enter an order permitting the department to enter and inspect, under conditions that the court considers appropriate, a facility operated by a person whom the department has reasonable cause to believe is subject to licensure or approval under this chapter.

SECTION 37. Section 28 of chapter 18 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 19, the words “the office for

children or his designee” and inserting in place thereof the following words:- the department of early education and care or her designee.

SECTION 38. Section 9 of chapter 18A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “the office for children” and inserting in place thereof the following words:- the department of early education and care.

SECTION 39. Section 2 of chapter 18B of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word “day” and inserting in place thereof the following word:- child.

SECTION 40. Section 13 of said chapter 18B, as so appearing, is hereby amended by striking out, in lines 14 to 16, inclusive, the words “, two members of said board at the time of their appointment shall be members of the councils for children established under section seven of chapter twenty-eight A”.

SECTION 41. Section 19 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in lines 64 to 66, inclusive, the words “day care center, family day care home, family day care system, family foster care, or group care facility as defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care center, family child care home, family child care system, family foster care, or group care facility as defined in section 1A of chapter 15D.

SECTION 42. Section 15 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in lines 56 to 58, inclusive, the words “day care center, family day care home, family day care system, family foster care, or group care facility as defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care center, family child care home, family child care system, family foster care, or group care facility as defined in section 1A of chapter 15D.

SECTION 43. Section 1 of chapter 23G of the General Laws, as so appearing, is hereby amended by striking out, in lines 99 to 100, the words “day care center or a school age child care program, as those terms are defined in section 9 of chapter 28A” and inserting in place thereof the following words:- child care center or school age child care program, as those terms are defined in section 1A of chapter 15D.

SECTION 44. Chapter 28A of the General Laws is hereby repealed.

SECTION 45. Section 2JJ of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 to 7, the words “the office for children” and inserting in place thereof the following words:- early education and care.

SECTION 46. Section 3 of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out in line 38 the word “day” and inserting in place thereof the following word:- child.

SECTION 47. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out, in lines 68 to 70, inclusive, the words “day care center or a school-aged child care program, as those terms are defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

SECTION 48. Said section 3 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 80 to 81, the words “Family day care home and large family day care home, as those terms are defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- Family child care home and large family child care home, as defined in section 1A of chapter 15D.

SECTION 49. Section 9C of said chapter 40A, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A” and

inserting in place thereof the following words:- child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

SECTION 50. Section 1 of chapter 40D of the General Laws, as so appearing, is hereby amended by striking out, in lines 67 to 69, inclusive, the words “day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

SECTION 51. Section 1A of chapter 69 of the General Laws, as so appearing, is hereby amended by striking out, in lines 24, 29, and in lines 72 and 73, the words “early childhood,”.

SECTION 52. Section 1B of said chapter 69, as so appearing, is hereby amended by striking out, in lines 53, 57, and 67 the words “early childhood,”.

SECTION 53. Section 1C of said chapter 69, as so appearing, is hereby amended by striking out, in line 2, the words “early childhood,”.

SECTION 54. Section 1E of said chapter 69, as so appearing, is hereby amended by striking out, in line 25, the words “early childhood programs and”.

SECTION 55. Section 7A of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, and, in lines 15 to 16, the words “day care facility licensed or registered by the office for children, or a day” and inserting in place thereof in each instance the following words:- child care center licensed or approved by the department of early education and care, or a child.

SECTION 56. Said section 16C of said chapter 71, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “day care facility licensed or registered by the office for children or a day” and inserting in place thereof the following



words:- child care center licensed or approved by the department of early education and care, or a child.

SECTION 57. Section 15A of chapter 75 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words “office of child care services” and inserting in place thereof the following words:- department of early education and care.

SECTION 58. Said section 15A of said chapter 75, as so appearing, is hereby further amended by striking out, in lines 17 and 18, the words “section 10 of chapter 28A” and inserting in place thereof the following words:- section 7 of chapter 15D.

SECTION 59. Section 3 of chapter 78A of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word “day” and inserting in place thereof the following word:- child.

SECTION 60. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 252, the word “day” and inserting in place thereof the following word:- child.

SECTION 61. Section 7D of said chapter 90, as so appearing, is hereby amended by striking out, in line 29, the word “day” and inserting in place thereof the following word:- child.

SECTION 62. Section 4J of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the words “office for children” and inserting in place thereof the following words:- department of early education and care.

SECTION 63. Section 192B of said chapter 111, as so appearing, is hereby amended by striking out, in line 20, the word “day” and inserting in place thereof the following word:- child.

SECTION 64. Section 219 of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

SECTION 65. Section 3 of chapter 111G of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “office for children” and inserting in place thereof the following words:- department of early education and care.

SECTION 66. Section 4 of chapter 111I of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words “office for children” and inserting in place thereof the following words:- department of early education and care.

SECTION 67. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 130, the word “twenty-eight A” and inserting in place thereof the following figure:- 15D.

SECTION 68. Section 28 of said chapter 119, as so appearing, is hereby amended by striking out, in line 20, the figure “28A” and inserting in place thereof the following figure:- 15D.

SECTION 69. Section 39H of said chapter 119, as so appearing, is hereby amended by striking out, in lines 24 and 25, line 26 and in lines 27 and 28, the words “office for children” and inserting in place thereof in each instance the following words:- department of early education and care.

SECTION 70. Section 51A of said chapter 119, as so appearing, is hereby amended by striking out, in line 5, the word “day” and inserting in place thereof the following word:- child.

SECTION 71. Said section 51A of said chapter 119, as so appearing, is hereby further amended by striking out, in line 8, the words “twenty-eight A” and inserting in place thereof the following figure:- 15D.

SECTION 72. Said section 51A of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 13 to 14, the words “office of child care services” and inserting in place thereof the following words:- department of early education and care.

SECTION 73. Section 51B of said chapter 119, as so appearing, is hereby amended by striking out clause 9 and inserting in place thereof the following clause:-

(9) notify in writing the department of early education and care, in this clause called the department, by transmitting to the department a copy of the report received under section 51A and a copy of the report prepared under section 51B if the report alleges that abuse or neglect occurred at a facility operated by a person subject to licensure or approval by the department under chapter 15D, and when the department of social services has substantiated that report. The departments may coordinate their activities conducted under this section. No provision of chapter 66A, section 135 of chapter 112, sections 51E and 51F, or any other law, shall prohibit the department of social services from transmitting a copy of the reports prepared under sections 51A and 51B to the department, or from conducting coordinating activities and sharing information with the department as provided in this section, or from having its employees testify at administrative hearings held by the department in connection with matters about which the department of social services has provided notice to the department under this section. The departments shall make all reasonable efforts to minimize the number of interviews of any child-victim which may be necessary. If, as a result of any report made under section 51A or an investigation made under section 51B, the department of social services is made aware of information or circumstances indicating a licensing violation in any facility operated by a person subject to licensure or approval by the department, the department of social services shall immediately notify the department of this information. No provision of chapter 66A, sections 51E and 51F of this chapter, or any other law shall prohibit the department from providing information to the department of social services in connection with matters

about which the department of social services has provided notice to the department under this section.

SECTION 74. Section 2 of chapter 132B of the General Laws, as so appearing, is hereby amended by striking out, in lines 61, 68, and 75, the word “day” and inserting in place thereof, in each instance, the following word:- child.

SECTION 75. Section 6C of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 2, 6, 10, 11, 22, and 26, the word “day” and inserting in place thereof, in each instance, the following word:- child.

SECTION 76. Section 6D of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 1 and 9, the word “day” and inserting in place thereof, in each instance, the following word:- child.

SECTION 77. Section 6E of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 1, 7, 8, and 17, the word “day” and inserting in place thereof, in each instance, the following word:- child.

SECTION 78. Section 6F of said chapter 132B, as so appearing, is hereby amended by striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

SECTION 79. Section 6G of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 2 and 16, the word “day” and inserting in place thereof in each instance the following word:- child.

SECTION 80. Section 6H of said chapter 132B, as so appearing, is hereby amended by striking out, in lines 1, 17, 22, and 30, the word “day” and inserting in place thereof, in each instance, the following word:- child.

SECTION 81. Section 6I of said chapter 132B, as so appearing, is hereby amended by striking out, in line 2, the word “day” and inserting in place thereof the following word:- child.

SECTION 82. Section 52D of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word “day” and inserting in place thereof the following word:- child.

SECTION 83. Said section 52D of said chapter 149, as so appearing, is hereby amended by striking out, in line 13, the figure “28A” and inserting in place thereof the following figure:- 15D.

SECTION 84. Section 1 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the word “day” and inserting in place thereof the following word:- child.

SECTION 85. Section 17K of chapter 180 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 10, the word “day” and inserting in place thereof in each instance the following word:- child.

SECTION 86. Section 5 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words “twenty-eight A” and inserting in place thereof the following figure:- 15D.

SECTION 87. Section 5D of chapter 210 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “section nine of chapter twenty-eight A” and inserting in place thereof the following words:- section 1A of chapter 15D.

SECTION 88. Section 11A of said chapter 210, as so appearing, is hereby amended by striking out, in line 3, the word “twenty-eight A” and inserting in place thereof the following figure:- 15D.

SECTION 89. Section 85Y of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in lines 11 to 13, inclusive, the words “day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A” and inserting in place thereof the following words:- child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

SECTION 90. Section 22 of chapter 270 of the General Laws, as so appearing, is hereby amended by striking out, in line 144, the word “day” and inserting in place thereof the following word:- child.

SECTION 91. Said section 22 of said chapter 270, as so appearing, is hereby further amended by striking out, in line 146, the words “office of child care services” and inserting in place thereof the following words:- department of early education and care.

SECTION 92. Section 22 of chapter 45 of the acts of 2005 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations of the following agencies of state government from the transferor agency to the transferee agency, defined as follows:

(1) the early education and care functions of the department of elementary and secondary education, except for those grant programs for which the department of elementary and secondary education is the state educational agency and the extended school services program established by sections 26A and 26B of chapter 71 of the General Laws, as the transferor agency, to the department of early education and care, as the transferee;

(2) the functions of the office of child care services, as presently described in chapter 28A of the General Laws, as the transferor agency, to the department of early education and care, as the transferee agency.”;

SECTION 93. The board of early education and care, established in section 3 of chapter 15D of the General Laws, as amended by this act, shall, in consultation with the advisory council established under this act, assess and report on the current and potential capacity of the existing early education and care system to: enhance the quality of early education and care programs; provide multiple points of entry and outreach for families including those in hard to reach populations; deliver comprehensive services including mental health consultation and intervention services to decrease expulsion rates; foster collaboration and coordinate resources among providers of early education programs and linkages with human services agencies, the department of elementary and secondary education and local school districts; undertake school readiness assessments and program evaluations; maximize resources for workforce and professional development for early education and care professionals; and reestablish trial court child care program.

The board shall include in its report a review of the local and regional organizational structures required by section 4 of chapter 15D of the General Laws, as inserted by this act, along with recommendations for how to achieve the most effective regional and local coordination to enhance the quality of services delivered through the early education and care system. This report shall also include recommendations regarding any legislation necessary to support or authorize these plans. The board shall submit its report no later than December 15, 2008, to the joint committee on education.

SECTION 94. The department, with the approval of the board, may make agreements with the department of elementary and secondary education, or any departments or agencies within the executive office of health and human services to carry out any of the provisions included in chapter 15D of the General Laws, as amended by this act. The department of elementary and secondary education or any department or agency within the

executive office of health and human services is hereby empowered to make and carry out any such agreements with the commissioner of early education and care.

SECTION 95. Any agreement under which the office of child care services had delegated its licensing functions to a city or town under chapter 28A of the General Laws shall expire 6 months after the effective date of this act.

SECTION 96. Notwithstanding any general or special law to the contrary, in developing the program standards required by sections 11 and 13 of chapter 15D of the General Laws, the board of early education and care shall adopt the standards and requirements entitled Early Childhood Program Standards For Three and Four Year Olds and those entitled Guidelines For Preschool Learning Experiences approved by the board of education in April of 2003, until such time as any superseding standards and requirements are adopted by the board. The department shall base any superseding standards on the Early Childhood Program Standards promulgated by the department of education, the Head Start Standards, and such other program quality standards as the department considers relevant and applicable.

Notwithstanding any general or special law to the contrary, the board of early education and care shall use the accreditation procedures of the National Association for the Education of Young Children, the New England Association of Schools and Colleges which shall include supplemental requirements to be developed by the board, or other accreditation procedures that they consider appropriate until such time as any superseding program standards, learning standards or accreditation procedures are approved by the board. In developing any new accreditation procedures, the department shall strive to ensure the high-quality of all early education and care programs and services in the commonwealth but shall endeavor to develop a more cost-effective accreditation option than currently provided by national accreditation agencies.

SECTION 97. Section 19 of this act shall take effect on June 30, 2008.





**House, No.**

**BILL** relative to early education and care

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